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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,884	10/29/2003	Todd Brown	ZAHFRI P518US	7807
20210	7590	04/05/2005	EXAMINER	
DAVIS & BUJOLD, P.L.L.C. FOURTH FLOOR 500 N. COMMERCIAL STREET MANCHESTER, NH 03101-1151			LESLIE, MICHAEL S	
			ART UNIT	PAPER NUMBER
			3745	

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

Office Action Summary

Application No.

10/695,884

Applicant(s)

BROWN ET AL.

Examiner

Michael Leslie

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☒ Claim(s) 2,4 and 6 is/are objected to.
- 8) ☒ Claim(s) 7-13 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/17/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of Group I in the reply filed on March 10, 2005 is acknowledged. The traversal is on the ground(s) that Applicant has amended claims 7-13 to depend from claim 1 making claims 1-13 drawn to a single invention, and that the statutory requirements for restriction between Groups I and II have not been met in that divergent fields of search is not a basis for determining distinctiveness. This is not found persuasive because the inventions are distinct in that Group I requires a pressure reserve system governed by hydraulic accumulators classified in class 60, subclass 413 and Group II requires a pressure reserve system governed by two hydraulic drives and a planetary gear sets classified in class 417, subclass 16. Further, as amended claims 7-13 recite embodiments not described in the specification.

The requirement is still deemed proper and is therefore made FINAL.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "spring biased bi-directional valve controller" (claim 2), "positive and negative adjustable bias springs" (claim 4), and "first accumulator control valve and a corresponding first accumulator controller" and "second accumulator control valve and a corresponding second accumulator controller" (claim 6) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing

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sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 2, 4, and 6 are objected to because of the following informalities: Claim 2, Line 12, “be greater than” should be --by greater than--, Line 14, “from” should be --flow--; Claim 4, Line 3, “wherein” should be deleted; Claim 6, Line 8, “for” should be deleted.

Claim 6 does not set forth the relationship between the “accumulator control valve” and the “accumulator controller” of claim 1 to the first and second accumulator control valves and first and second accumulator controllers.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Inokuchi.

Inokuchi discloses a hydraulic pressure reserve system for a vehicle hydraulic system including a primary hydraulic circuit having a hydraulic pump (4) and a hydraulic sump (6), the reserve system including an accumulator tank (10) connected to the circuit, an accumulator control valve (8), and an accumulator controller (14).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inokuchi in view of the prior art admission of paragraphs [039] - [043] of the specification.

Inokuchi discloses a hydraulic pressure reserve system as described above with respect to claim 1, but does not teach the use of a bi-directional valve and a spring biased bi-directional valve controller, with positive and negative adjustable bias springs acting upon the bi-directional valve, wherein the magnitude of the positive actuation pressure is less than the magnitude of the

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negative actuation pressure and the positive and negative actuation pressures are selected to provide hysteresis in opening and closing of the bi-directional valve, or first and second accumulator control valves and first and second accumulator controllers. Applicant admits in paragraphs [039] - [043] of the specification that a bi-directional valve and a spring biased bi-directional valve controller, with positive and negative adjustable bias springs acting upon the bi-directional valve, wherein the magnitude of the positive actuation pressure is less than the magnitude of the negative actuation pressure and the positive and negative actuation pressures are selected to provide hysteresis in opening and closing of the bi-directional valve, and first and second accumulator control valves and first and second accumulator controllers are well known and understood by those of ordinary skill in the relevant arts. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the accumulator control valve and accumulator controller of Inokuchi by using a bi-directional valve and a spring biased bi-directional valve controller, with positive and negative adjustable bias springs acting upon the bi-directional valve, wherein the magnitude of the positive actuation pressure is less than the magnitude of the negative actuation pressure and the positive and negative actuation pressures are selected to provide hysteresis in opening and closing of the bi-directional valve, or first and second accumulator control valves and first and second accumulator controllers as taught by Applicant's admission in paragraphs [039] - [043] of the specification for the purpose controlling fluid flow between the accumulator and the primary hydraulic circuit in order to maintain a desired pressure in the primary hydraulic circuit.

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Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Leslie whose telephone number is (571) 272-4819. The examiner can normally be reached on M-F 8:00am - 4:30pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look can be reached on (571) 272-4820. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ML

March 30, 2005


Michael Leslie
Patent Examiner
AU 3745


EDWARD K. LOOK
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3/31/05